

108TH CONGRESS
1ST SESSION

H. CON. RES. 143

Relating to the prosecution of Saddam Hussein and other Iraqi officials, military leaders, and citizens who may be responsible for crimes against humanity, attempted genocide, and war crimes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 9, 2003

Mr. BRADLEY of New Hampshire submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Relating to the prosecution of Saddam Hussein and other Iraqi officials, military leaders, and citizens who may be responsible for crimes against humanity, attempted genocide, and war crimes.

Whereas the Congress recognizes the necessity of ensuring a rapid and orderly transition from conflict to peace and from tyranny to freedom and of establishing and maintaining international peace and security in the country of Iraq and the Persian Gulf region;

Whereas the Armed Forces of the United States and Great Britain, with the assistance of allied coalition nations, have engaged in military operations against the leadership of Iraq to disarm that regime of weapons of mass destruction;

Whereas the Republic of Iraq is a party to the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and other human rights instruments, and the Geneva Conventions of 1949, and is obligated to comply with these international agreements;

Whereas the regime of Saddam Hussein has perpetrated a litany of human rights abuses against the citizens of Iraq and other peoples of the region, including summary and arbitrary executions, torture, cruel and inhumane treatment, arbitrary arrest and imprisonment, disappearances, and the repression of freedom of speech, thought, expression, assembly, and association;

Whereas Saddam Hussein and his regime have systematically attempted to destroy the Kurdish population in Iraq through the use of chemical weapons against civilian Kurds, the Anfal campaigns of 1987–1988 that resulted in the disappearance of more than 182,000 persons and the destruction of more than 4,000 villages, the placement of more than 10 million landmines in Iraqi Kurdistan, and the continued ethnic cleansing of the city of Kirkuk;

Whereas the Iraqi Government, under Saddam Hussein's leadership, has repressed the Sunni tribes in western Iraq, destroyed Assyro-Chaldean churches and villages, deported and executed Turkomen, massacred Shiites, and destroyed the ancient Marsh Arab civilization through a massive act of environmental destruction;

Whereas the Armed Forces of the United States and Great Britain have gathered evidence of, been witness to, and endured, clear and irrefutable violations of the laws of

war perpetrated by the Saddam Hussein regime and loyalists of that regime; and

Whereas upon the complete and unconditional surrender of the Iraqi Government, those officers and members of the Saddam Hussein regime who have been responsible for or have taken a consenting part in those atrocities, massacres, and executions should be subject to prosecution by a special court, and suspects of crimes committed against citizens in countries that were victims of Iraqi aggression can participate in the judgment and punishment of those individuals: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That the Congress—

3 (1) recognizes the necessity to pursue justice
4 and national reconciliation in order to achieve sta-
5 bility, peace, and security in the region;

6 (2) believes a special court, established in Iraq,
7 should adjudicate the cases of those accused of bear-
8 ing greatest responsibility for war crimes and crimes
9 against humanity;

10 (3) calls on other states in the region to sup-
11 port the efforts of a special court in combating im-
12 punity and addressing accountability for the atroc-
13 ities that have been committed in Iraq;

14 (4) considers the International Criminal Court
15 not to be a suitable forum for the prosecution of
16 such crimes because that court only has jurisdiction

1 to hear cases relating to crimes committed after
2 July 1, 2002;

3 (5) calls upon the President, in consultation
4 with the Secretaries of Defense and State and the
5 Attorney General, to create a special court or other
6 appropriate tribunal or commission for the purpose
7 of prosecuting Saddam Hussein and other Iraqi offi-
8 cials, military leaders, and citizens who may be re-
9 sponsible for crimes against humanity, including un-
10 lawful use of force against civilians, internal minori-
11 ties, and of crimes committed in contravention of the
12 Hague and Geneva Conventions on the laws of war;

13 (6) calls upon the Secretary of Defense and the
14 Secretary of State to notify the Congress of the
15 steps the United States and allied coalition nations
16 are taking to seek justice for the violations of inter-
17 national law against—

18 (A) the Iraqi people;

19 (B) the people of the countries that were
20 victims of the aggression of the regime of Sad-
21 dam Hussein;

22 (C) the military forces who liberated the
23 Iraqi people in order to disarm the regime; and

24 (D) the military and civilian personnel of
25 countries that were victims of Iraqi military ac-

1 tion taken during the reign of Saddam Hussein;
2 and
3 (7) recommends that the President consult
4 with, and receive the assistance of, any foreign gov-
5 ernment or multilateral agreement to the extent the
6 President considers necessary to accomplish the pur-
7 poses of achieving justice for those crimes.

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